

Board of Pharmacy

Initial Statement of Reasons

Subject Matter of Proposed Regulation: Citations and Fines

Sections Affected: 1775, 1775.1, 1775.15, 1775.2, 1775.3, 1775.4, 1777, 1777.1, 1777.2, 1777.3, 1777.4, 1777.5, 1778, 1778.1, 1778.2, 1778.3

Problem Addressed

The proposed regulation revises the board's system for issuing citations to make this process more consistent with the procedures used by other boards within the Department of Consumer Affairs. The board's existing system involves board members in the decision on whether to issue a citation and to establish the amount of the fine. Board members who participate in issuing a citation are prohibited from considering any appeal of that citation. The proposed changes will remove board members from the process for issuing citations and make all board members eligible to hear any appeals of citations.

Specific Purpose of the Regulation

Section 1775 (Amend)

Deletes references to a committee of the board and instead requires the executive officer or his/her designee to issue citations. Specifies the violations that are subject to a citation and fine. These changes are needed to shift the authority for issuing the citations and to simplify board regulations by consolidating several provisions into one section. These amendments also implement authority granted in Business and Professions Code Section 685 which grants the board authority to issue a citation for defaulting on specific types of student loans.

Section 1775.1 (Add)

Specifies the amount of a fine for defaulting on a specified student loan. Specifies that failure to pay a fine within 30 days may result in disciplinary action against the licensee. Requires that when a fine is not paid, the amount of that fine is added to the renewal fee for that license and that the license cannot be renewed without payment of the renewal fee and fine. These changes are needed to specify the amount of fines under Section 685 and to relocate provisions from 1775.3.

Section 1775.15 (Repeal)

This section is repealed. This section is not necessary because the executive officer or his/her designee issues all citations.

Section 1775.2 (Amend)

This section is amended to delete the dollar value limitation on fines and to delete reference to a committee of the board.

Section 1775.3 (Amend)

This section is amended to increase clarity and to delete language incorporated in 1775.1.

Section 1775.4 (Amend)

This section is amended to remove references to board inspectors and board members. The section is also amended to make clarifying changes and to require that an office conference be held within 30 days of a request.

Section 1777 – 1777.5 (Repeal)

These sections are being repealed. Their provisions have been consolidated in prior sections.

Section 1778 – 1778.3 (Repeal)

These sections are being repealed. Their provisions have been consolidated in prior sections.

Factual Basis

The board believes that the proposed regulations will streamline its citation and fine processes and result in swifter resolution of investigations and the issuance of citations. The elimination of the board committee structure will ease scheduling workload and eliminate the need for the board to track which board members issued the citations for the purpose of recusal during the consideration of any appeals.

Underlying Data

None.

Business Impact

This regulation will have no adverse impact on business.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The board has not identified any equally effective alternatives that would lessen any adverse impact on small business.